

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5882 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
  5. Whether it is to be circulated to the Civil Judge? : NO

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MANAGER'S ASSOCIATION THRO' U N VYAS

Versus

GUJARAT TOURISM THRO' MANAGING DIRECTOR  
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Appearance:

MR NIRZAR DESAI for MR YN OZA for Petitioner  
MR YOGESH H. VYAS of M/S TRIVEDI & GUPTA for  
Respondent No. 1  
MS DARSHANA PANDIT, AGP for State.

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CORAM : MR.JUSTICE R.K.ABICHANDANI  
Date of decision: 29/09/2000

ORAL JUDGEMENT

The Managers' Association of the Gujarat Tourism Corporation has preferred this petition for a direction to the respondents to pay salary to its members in the

scale of 700 - 1300 (revised to 2200 - 4000 and further revised to 8000 - 13500) from the date of their appointment. The basis of their claim is that the direct recruits appointed to the same cadre were drawing the pre-revised pay-scale of Rs. 2200 - 4000. The grievance of these Managers is that though they are required to discharge identical work and they are inter-transferable to various resorts, they are given a lower pay-scale which amounted to a discriminatory treatment violative of their right to equality guaranteed by Articles 14 and 16 of the Constitution of India. Several instances of transfers of the members of the petitioners' Association to "A" grade resorts have been relied upon to indicate that the petitioners' members have been discharging work similar to the work done by the direct recruits who are given higher pay-scale. During the course of the arguments, since the petitioner had not made such demand before the concerned authorities and the authorities therefore had no occasion to apply their mind and take a decision on the subject pertaining to the grievances of the petitioner, it appeared to be proper for the petitioner Association and/or its members to make a representation to the concerned authorities of the respondent, so that they may take into account the grievances which are sought to be raised before this Court and take a decision on administrative side in accordance with law. In this background, it has been stated by the learned Counsel for the petitioner that the petitioner and/or its members shall make a representation within two weeks from today before the concerned authority of the respondents ventilating their grievances and seeking an appropriate decision in the matter.

The learned Counsel appearing for the respondent No.1 - Tourism Corporation states that the Corporation will take an appropriate decision in accordance with law after considering the representation, within four weeks after it is received. It is accordingly directed that the respondents shall consider the application/representation of the petitioner and/or its members that may be made and take a decision in accordance with law within four weeks after it is received. The application/representation that may be made by the petitioner shall be decided independently of the stand taken by the respondents in the affidavits that have been filed in this petition. If the decision goes against the petitioner, it will be open to the petitioner to challenge the same in accordance with law. In view of this arrangement, the learned Counsel for the petitioner states that the petitioner does not press for this petition at this stage. The petition stands disposed of

accordingly. Rule is discharged with no order as to costs.

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\*/Mohandas